

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
ARTHUR BELFIORE,

Plaintiff,

v.

Index No.: 08 CV 2365

979 THIRD AVENUE ASSOCIATES, LLC, D&D  
BUILDING COMPANY, LLC, COHEN BROTHERS  
REALTY CORPORATION AND TRICON  
CONSTRUCTION SERVICES, INC.,

Defendants,

-----x  
TRICON CONSTRUCTION SERVICES, INC.,

Third-Party Plaintiffs,

v.

ALL KINDZA FLOORING, INC.,

Third-Party Defendant,

-----x  
979 THIRD AVENUE ASSOCIATES, LLC, D&D  
BUILDING COMPANY, LLC, COHEN BROTHERS  
REALTY CORPORATION,

Second Third-Party Plaintiffs,

v.

DAVID SUTHERLAND SHOWROOMS - NEW  
YORK LLC, AND ALL KINDZA FLOORING, INC.

Second Third-Party Defendants.

-----x

S I R S:

**PLEASE TAKE NOTICE** that Defendants, D&D Building Company  
LLC, Cohen Brothers Realty Corporation and 979 Third Avenue  
Associates LLC, hereby appears in the above-entitled action and  
that the undersigned have been retained as attorneys for said

**NOTICE OF APPEARANCE**

Index No.:

Index No.:

Defendants and demand that all papers in this action be served upon the undersigned at the office address stated below.

Dated: May 27, 2008  
New York, New York

**HOEY, KING, TOKER & EPSTEIN**  
Attorneys for Defendants,  
**D&D Building Company LLC,**  
**Cohen Brothers Realty**  
**Corporation and**  
**979 Third Avenue Associates LLC**  
55 Water Street, 29th Floor  
New York, New York 10041-2899  
(212) 612-4200

By:   
Angela P. Pensabene (3511)

To:

**Wagner & Wagner, LLP**  
Attorneys for Plaintiff,  
**Arthur Belfiore**  
2508 Amboy Road  
Staten Island, New York 10306

**Abrams, Gorelick, Friedman & Jacobson, PC**  
Attorneys for Defendant,  
**Tricon Construction Services, Inc.**  
One Battery Park Plaza, 4th Floor  
New York, New York 10004

**David Sutherland Showrooms - New York LLC**  
Third-Party Defendant  
Ct Corporation System  
111 Eighth Avenue  
New York, New York, 10011

**All Kindza Flooring, Inc.**  
Third-Party Defendant/  
Second Third-Party Defendant,  
c/o Donna Connolly  
484 Hawkins Avenue  
Ronkonkoma, New York 11779

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**AFFIDAVIT OF SERVICE**

979 THIRD AVENUE ASSOCIATES, LLC, D&D  
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REALTY CORPORATION AND TRICON  
CONSTRUCTION SERVICES, INC.,

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Second Third-Party Plaintiffs,

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Second Third-Party Defendants.

-----x  
STATE OF NEW YORK                    )  
  ss.  
COUNTY OF NEW YORK                )

Vanessa Nicholas, being duly sworn, deposes and says:

1. That I am over the age of eighteen years and not a party to this action and reside in the City of Brooklyn, County of Kings and the State of New York
2. That on May 27, 2008, I served upon:

**Wagner & Wagner, LLP**

Attorneys for Plaintiff,

**Arthur Belfiore**

2508 Amboy Road

Staten Island, New York 10306

**Abrams, Gorelick, Friedman & Jacobson, PC**

Attorneys for Defendant,

**Tricon Construction Services, Inc.**

One Battery Park Plaza, 4th Floor

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Second Third-Party Defendant,

c/o Donna Connolly

484 Hawkins Avenue

Ronkonkoma, New York 11779

a true copy of the annexed **NOTICE OF APPEARANCE** by depositing it endorsed in a postpaid properly addressed wrapper, in a post office or, official depository under the exclusive care and custody of the United States Postal Service within the State of New York, at the address designated by him or her upon the last paper served by him or her in the action.

DATED: May 27, 2008  
New York, New York

  
Vanessa Nicholas

Sworn and subscribed  
before me on May 27, 2008

  
\_\_\_\_\_  
Notary Public

ARACELIS PINEIRO  
NOTARY PUBLIC, State of New York  
No. 01PI6122320  
Qualified in Kings County  
Commission Expires Feb. 7, 2009